

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/26/2000**

Received By: **isagerro**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Blaine**

This file may be shown to any legislator: **NO**

Drafter: **isagerro**

May Contact:

Alt. Drafters:

Subject: **Public Assistance - Wis works**

Extra Copies:

**Pre Topic:**

DOA:.....Blaine -

**Topic:**

W-2 community steering committee requirements

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	isagerro 10/05/2000	gilfokm 10/10/2000	martykr 10/11/2000	_____	lrb_docadmin 10/11/2000		S&L
/2	isagerro 01/08/2001	gilfokm 01/08/2001	martykr 01/09/2001	_____	lrb_docadmin 01/09/2001		S&L

FE Sent For:

<END>

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/1	isagerro 10/05/2000	gilfokm 10/10/2000	martykr 10/11/2000	_____	lrb_docadmin 10/11/2000		S&L

FE Sent For: *12-1/8-01 King* *12/1/9* *25 1/9*

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/?	isagerro	1-10/10 Kmg	10/11	10/11			

FE Sent For:

<END>

# STATUTORY MODIFICATIONS

Department of Workforce Development  
2001-2003 Biennial Budget Request

DIN Number: 5605

Topic: Wisconsin Works

## Description of Change:

Revise s. 49.131 to add language providing that the State will have a grievance procedure in place to conform to the provisions of 42 USC 607(f)(3) as created by P.L. 104-193. This will bring the Department into conformance with federal law and will be detailed by the Department through administrative rule.

Revise s. 49.141(1)(c) to make it consistent with the federal definition of a dependent child. Specifically, remove the requirement that a child over age 18 but under 19 and enrolled in school be required to be expected to complete the program before attaining the age of 19.

Revise s. 49.143(2)(a) to eliminate any maximum or minimum number of persons to serve on the Community Steering Committee. Expand the responsibilities of the Community Steering Committees to serve persons receiving services under the Temporary Assistance for Needy Families (TANF) block grant received by the State. Require the Community Steering Committees to coordinate with the Workforce Development Board in their area to ensure compatibility of purpose and no duplication of effort.

*established under 29 USC § 2832*

*- what does amount allow (State law)*

*01-525*

*519 draft 7*

(A) reduce the amount of assistance otherwise payable to the family pro rata (or more, at the option of the State) with respect to any period during a month in which the individual so refuses; or

(B) terminate such assistance,

subject to such good cause and other exceptions as the State may establish.

(2) Exception. Notwithstanding paragraph (1), a State may not reduce or terminate assistance under the State program funded under this part [42 USCS §§ 601 et seq.] based on a refusal of an individual to engage in work required in accordance with this section if the individual is a single custodial parent caring for a child who has not attained 6 years of age, and the individual proves that the individual has a demonstrated inability (as determined by the State) to obtain needed child care, for 1 or more of the following reasons:

(A) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site.

(B) Unavailability or unsuitability of informal child care by a relative or under other arrangements.

(C) Unavailability of appropriate and affordable formal child care arrangements.

**(f) Nondisplacement in work activities.** (1) In general. Subject to paragraph (2), an adult in a family receiving assistance under a State program funded under this part [42 USCS §§ 601 et seq.] attributable to funds provided by the Federal Government may fill a vacant employment position in order to engage in a work activity described in subsection (d).

(2) No filling of certain vacancies. No adult in a work activity described in subsection (d) which is funded, in whole or in part, by funds provided by the Federal Government shall be employed or assigned—

(A) when any other individual is on layoff from the same or any substantially equivalent job; or

(B) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult described in paragraph (1).

(3) Grievance procedure. A State with a program funded under this part [42 USCS §§ 601 et seq.] shall establish and maintain a grievance procedure for resolving complaints of alleged violations of paragraph (2).

(4) No preemption. Nothing in this subsection shall preempt or supersede any provision of State or local law that provides greater protection for employees from displacement.

**(g) Sense of the Congress.** It is the sense of the Congress that in complying with this section, each State that operates a program funded under this part [42 USCS §§ 601 et seq.] is encouraged to assign the highest priority to requiring adults in 2-parent families and adults in single-parent families that include older preschool or school-age children to be engaged in work activities.



DOA:.....Blaine - W-2 grievance procedure; dependent child definition; community steering committee

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

NOTE  
SOON

1 AN ACT <sup>DON'T GEN. CFT.</sup> relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**WISCONSIN WORKS**

Under current law, DWD contracts with Wisconsin Works (W-2) agencies to administer the W-2 program. Current law requires that these two-year contracts require the W-2 agency to establish a community steering committee that consists of at least 12 members <sup>and</sup> ~~no~~ <sup>not</sup> more than 15 members, all of ~~which~~ <sup>whom</sup> are appointed by the county executive, county administrator, or chair of the county board of the county ~~which~~ the W-2 agency serves. A community steering committee is responsible for advising W-2 agencies on employment and training activities, creating and encouraging others to create subsidized jobs for W-2 participants, identifying child care needs, improving child care access, and expanding the availability of child care.

This bill eliminates the requirement that the community steering committee consist of a specified number of members. This bill also requires that a W-2 contract include a provision that requires the community steering committee to serve individuals who are receiving services under the federal temporary assistance for needy families (TANF) block grant program and to coordinate its services with a local workforce development board.

Currently, as a condition of eligibility for the W-2 program or the employment skills advancement grant program, an individual must reside with his or her

dependent child. The employment skills advancement program provides grants to individuals to cover the direct costs of a vocational training or educational program. Under current law, a dependent child is a child who resides with a parent and is under the age of 18, or is under the age of 19, is a full-time student at a secondary school or a vocational or technical equivalent, and is reasonably expected to complete the program before reaching the age of 19.

Under this bill, to qualify as a dependent child, a person who is under the age of 19 and is a full-time student at a secondary school or a vocational or technical equivalent, no longer ~~must be~~ reasonably expected to complete the program before reaching the age of 19.

Finally, under current law, as a condition of eligibility for the W-2 program, an individual may be required to participate in a wholly or partially subsidized employment position. Current law prohibits a W-2 employer from creating a W-2 employment position by terminating employment of a regular employee or by filling a position that is vacant because a non-W-2 employee is on strike, on layoff, or is engaged in a labor dispute. Under federal law, as a condition of receiving federal TANF funds, DWD must implement a grievance procedure to resolve complaints of alleged violations of these requirements.

This bill requires DWD to promulgate rules specifying a grievance procedure for resolving complaints of alleged violations of the requirements.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 49.141 (1) (c) of the statutes is amended to read:

2           49.141 (1) (c) "Dependent child" means a person who resides with a parent and  
3           who is under the age of 18 or, if the person is a full-time student at a secondary school  
4           or a vocational or technical equivalent and is reasonably expected to complete the  
5           program before attaining the age of 19, is under the age of 19.

6           History: 1995 a. 289; 1997 a. 27, 41, 283; 1999 a. 9.

7           **SECTION 2.** 49.141 (5) ~~of the statutes~~ of the statutes is renumbered 49.141 (5) (am)

8           **SECTION 3.** 49.141 (5) (bm) of the statutes is created to read:

9           49.141 (5) (bm) The department shall promulgate rules specifying a grievance  
10          procedure for resolving complaints of alleged violations of par. (am).

1           **SECTION 4.** 49.143 (2) (a) (intro.) of the statutes is amended to read:

2           49.143 (2) (a) (intro.) Establish a community steering committee within 60  
3 days after the date on which the contract is awarded. The Wisconsin works agency  
4 shall recommend the members of the committee to the chief executive officer of each  
5 county served by the Wisconsin works agency. The chief executive officer of each  
6 county shall appoint the members of the committee. The number of members that  
7 each chief executive officer appoints to the committee shall be in proportion to the  
8 population of that officer's county relative to the population of each other county  
9 served by the Wisconsin works agency, except that the chief executive officer of a  
10 county that is not a Wisconsin works agency shall appoint the director of the county  
11 department under s. 46.215, 46.22<sup>✓</sup>, or 46.23, or his or her designee, and one other  
12 representative of the county department under s. 46.215, 46.22<sup>✓</sup>, or 46.23. The  
13 ~~committee shall consist of at least 12 members, but not more than 15 members.~~ The  
14 members of the committee shall appoint a chairperson who shall be a person who  
15 represents business interests. The committee shall do all of the following:

16 History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32.

16           **SECTION 5.** 49.143 (2) (a) 7. of the statutes is amended to read:

17           49.143 (2) (a) 7. Coordinate with the council on workforce investment  
18 established under 29 USC 2821, and a local workforce development board established  
19 under 29 USC 2832 to ensure compatibility of purpose and no duplication of effort.

20 History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32.

20           **SECTION 6.** 49.143 (2) (a) 11. of the statutes is created to read:

21           49.143 (2) (a) 11. Serve individuals who are receiving temporary assistance for  
22 needy families under 42 USC 601 to 619.

23           **SECTION 7.** 49.472 (1) (a)<sup>✓</sup> of the statutes is renumbered 49.472 (1) (ag).<sup>✓</sup>

24           **SECTION 8.** 49.472 (1) (a)<sup>✓</sup> of the statutes is created to read:

*(D)*

*plain space*



1 49.472 (1) (a) <sup>d</sup> “Dependent child” means a person who resides with a parent  
 2 and who is under the age of 18 or, if the person is a full-time student at a secondary  
 3 school or a vocational or technical equivalent and is reasonably expected to complete  
 4 the program before attaining the age of 19, is under the age of 19.

5 SECTION 9. 49.472 (1) (am) of the statutes is amended to read:

6 49.472 (1) (am) “Family” means an individual, the individual’s spouse <sup>v</sup> and any  
 7 dependent child, ~~as defined in s. 49.141 (1) (c)~~, of the individual.

8 History: 1999 a. 9, 185.

8 SECTION 10. 49.775 (1) (b) of the statutes is amended to read:

9 49.775 (1) (b) “Dependent child” ~~has the meaning given in s. 49.141 (1) (c)~~  
 10 means a person who resides with a parent and who is under the age of 18 or, if the  
 11 person is a full-time student at a secondary school or a vocational or technical  
 12 equivalent and is reasonably expected to complete the program before attaining the  
 13 age of 19, is under the age of 19.

14 History: 1997 a. 27, 237; 1999 a. 9. ✓

14 SECTION 9358. Initial applicability; workforce development.

15 (1) COMMUNITY STEERING COMMITTEE. The treatment of section 49.143 (2) (a)  
 16 (intro.), <sup>✓</sup> 7, <sup>✓</sup> and <sup>✓</sup> 11. of the statutes first applies to contracts entered into, extended,  
 17 modified <sup>✓</sup> or renewed on the effective date of this subsection.

18 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0525/1dn

ISR:.....

*King*

October 5, 2000

Robert Blaine:

Please review this draft carefully to make sure <sup>that</sup> it is consistent with your intent. Specifically, please note the following:

1. The definition of "dependent child" in s. 49.141 (1) (c) is also used for purposes of the employment skills advancement program under s. 49.185, the medical assistance purchase plan under s. 49.472 and the SSI child support payment under s. 49.775. Because the employment skills advancement program is funded with TANF ~~W-2~~ and is closely linked to W-2, I assumed that DWD would want the new definition of "dependent child" to apply to the program as well. I did not, however, apply the new definition to the ~~W-2~~ <sup>medical assistance</sup> purchase plan or the SSI child support payment. You might want to check with DHFS to see if the definition should be changed for these programs as well.

2. The requirement that a community steering committee "serve persons receiving services under TANF" is very broad and does not give the committee much direction. This provision should be clarified. How is the committee supposed to serve the TANF recipients? By improving access to child care for these persons? By providing employment training for these persons? Perhaps the intent was to expand the committee's current services by including all TANF recipients, not just W-2 participants?

If you have any questions or comments, please do not hesitate to contact me.

Ivy G. Sager-Rosenthal  
Legislative Attorney  
Phone: (608) 261-4455  
E-mail: ivy.sager-rosenthal@legis.state.wi.us

**DRAFTER'S NOTE**  
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LRB-0525/1dn  
ISR:kmg:km

October 11, 2000

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Legislative Attorney  
Phone: (608) 261-4455  
E-mail: [ivy.sager-rosenthal@legis.state.wi.us](mailto:ivy.sager-rosenthal@legis.state.wi.us)

## Sager-Rosenthal, Ivy

---

**From:** Blaine, Robert  
**Sent:** Monday, January 08, 2001 10:03 AM  
**To:** Sager-Rosenthal, Ivy  
**Subject:** Draft 0525

Ivy --

I apologize -- I let some needed changes to this draft fall through the cracks. The good news is that the changes are minor.

The draft does three things:

- 1) change the definition of dependent child (Sections 1, 7, 8, 9 & 10)
- 2) changes the community steering committee structure (sections 4, 5, 6 & 9358).
- 3) adds a grievance procedure (Sections 2 & 3).

The Governor denied (A) & (B), so if at all possible, we would like a redraft which only maintains sections 4, 5, 6 & 9358.

As you can tell, I'm digging through all my drafts to make sure things are the way they're supposed to be. Hopefully (fingers crossed) I haven't missed anything else.

I'm sorry if this causes any headaches. I fear I will soon be facing the wrath of LRB -- I must say you've been incredibly patient thus far. Let me know if anything needs clarification.

Thanks,  
Robert

State Budget Office  
Wisconsin Department of Administration  
(608) 266-8219  
[robert.blaine@doa.state.wi.us](mailto:robert.blaine@doa.state.wi.us)



LPS: Please change request sheet.

State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0525/A<sup>2</sup>

ISR:kmg:km

RMR

DOA:.....Blaine - W-2 grievance procedure, dependent child definitions  
community steering committee requirements

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

800m

1 AN ACT <sup>DON'T GEN. CAT.</sup> relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

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12 ~~committee shall consist of at least 12 members, but not more than 15 members.~~ The  
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15           **SECTION 5.** 49.143 (2) (a) 7. of the statutes is amended to read:

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18 under 29 USC 2832 to ensure compatibility of purpose and no duplication of effort.

19           **SECTION 6.** 49.143 (2) (a) 11. of the statutes is created to read:

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12 SECTION 9358. Initial applicability; workforce development.

13 (1) <sup>Wisconsin works</sup> ~~COMMUNITY STEERING COMMITTEE~~<sup>S</sup> The treatment of section 49.143 (2) (a)  
14 (intro.), 7., and 11. of the statutes first applies to contracts entered into, extended,  
15 modified, or renewed on the effective date of this subsection.

16 (END)





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0525/2

ISR:kmg:km

DOA:.....Blaine - W-2 community steering committee requirements

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to: the budget.**

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*Analysis by the Legislative Reference Bureau*

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